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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/797,131

03/11/2004

Shingo Itoh

119052

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01/15/2008

OLIFF & BERRIDGE, PLC

P.O. BOX 320850

ALEXANDRIA, VA 22320-4850

EXAMINER

MARTIN, LAURA E

ART UNIT

PAPER NUMBER

2853

MAIL DATE

DELIVERY MODE

01/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,131

Applicant(s)

ITOH, SHINGO

Examiner

Laura E. Martin

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-37 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The below Election/Restriction requirement replaces the Action dated 11/28/07, which is hereby rendered moot.

Election/Restrictions

This application contains claims directed to the following patentably distinct species:

Species 1: a double-sided recording apparatus and method including: a print head, a counting unit, a comparison unit, and a determination unit, as presently disclosed in claims 1-23, 27-29, and 32-35.

Species 2: a double-sided recording apparatus and method including: a print head, a counting unit, a comparison unit, a determination unit, and a calculating unit, for example, as presently disclosed in claims 24, 30, and 36.

Species 3: a double-sided recording apparatus and method including: a print head, a counting unit, a comparison unit, a determination unit, and a reference setting unit, for example, as presently disclosed in claims 25, 31, and 37.

Species 1 is generic, therefore, the applicant must elect either species 2 or species 3; species 1 will be examined along with the elected species.

Within Species 1, there are four different groups of sub-species. The applicant may pick one claim from each of the four groups of sub-species.

1. Sub-species 1a: when the printhead forms an image on the first side of the recording medium, the counting unit counts the number of ejected ink droplets to the predetermined area of the first side of the record medium through the print head, for example, as presently disclosed in claim 5.

Sub-species 1b: before the printhead forms an image on the first side of the recording medium, the counting unit counts the number of ink droplets to be ejected to at least one of the predetermined area of the first side and the predetermined area of the second side of the record medium through the print head, for example, as presently disclosed in claim 6.

Applicant must elect either sub-species 1a or sub-species 1b.

2. Sub-species 2a: the area specification unit specifies one page of the record medium as the predetermined area, for example, as presently disclosed in claim 8.

Sub-species 2b: the area specification unit specifies as the predetermined area an area where the print head moves within one pass in a predetermined direction relative to the record medium, for example, as presently disclosed in claim 9.

Sub-species 2c: the area specification unit specifies as the predetermined area an area where the print head moves relative to the record medium within a predetermined time, for example, as presently disclosed in claim 10.

Sub-species 2d: wherein the area specification unit specifies as the predetermined area an area in which the print head moves a predetermined distance in

a predetermined direction relative to the record medium, for example, as presently disclosed in claim 11.

Applicant must elect either sub-species 2a, sub-species 2b, sub-species 2c, or sub-species 2d.

3. Sub-species 3a: double-sided record is executed when a double-sided record command is provided, and the invalidation unit invalidates the determination of the determination unit, for example, as presently disclosed in claims 15 and 34.

Sub-species 3b: double-sided record is executed when a double-sided record command is provided and the count stop unit stops an operation of the counting unit, for example, as presently disclosed in claims 16 and 35.

Applicant must elect either sub-species 3a or sub-species 3b.

4. Sub-species 4a: the recognition unit recognizes the type of record medium based on the type of record medium entered through the record medium type input unit, for example, as presently disclosed in claim 18.

Sub-species 4b: the recognition unit recognizes the type of record medium based on the identification information received by the reception unit, for example, as presently disclosed in claim 19.

Sub-species 4c: the recognition unit recognizes the type of record medium based on the detection result of the detection unit, for example, as presently disclosed in claim 20.

Applicant must elect either sub-species 4a, sub-species 4b, or sub-species 4c.

The species are independent or distinct because each species and within each of the four groups, the sub-species are related to a distinct apparatus or method that acts in a unique manner, leading to a burdensome search.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-23, 27-29, and 32-35 (Species 1) are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Laura E. Martin


12/21/07
MANISH S. SHAH
PRIMARY EXAMINER